UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/SR.20
19 August 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 August 2002, at 3 p.m.

Chairperson: Mr. PINHEIRO

later: Mr. YOKOTA
(Vice-Chairperson)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-14988 (E) 150802 190802

CONTENTS

SPECIFIC HUMAN RIGHTS ISSUES:

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM (continued)

ORGANIZATION OF WORK (continued)

The meeting was called to order at 3 p.m.

SPECIFIC HUMAN RIGHTS ISSUES:

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM

(agenda item 6) (continued) (E/CN.4/Sub.2/2002/2, 27-29, 32-36, 38, 39, 43 and 44; E/CN.4/Sub.2/2002/NGO/1, 2, 18, 23-25 and 27)

1. Mr. YOKOTA, having congratulated Ms. Koufa on her second progress report on terrorism and human rights (E/CN.4/Sub.2/2002/35), said that the issue of terrorism had two aspects: security and human rights, and it was important that the Sub-Commission should not tolerate any violation of human rights. He agreed with Mrs. Warzazi's comment at the previous meeting that terrorism should never be related to specific religions, nationalities or groups of people. It was also important that the human rights bodies, including the Sub-Commission, should be fully involved in the implications of Security Council resolutions or other action by the United Nations in the matter. While it was necessary to analyse the root causes of terrorism, such as poverty, there were other reasons also why people chose to take violent action as a last resort and it was necessary to prevent them from reaching that point.

2. Mr. BENGOA said that, in Latin America, there were currently situations of extreme violence that could be resolved within the parameters applied for combating terrorism. It was essential to examine the root causes of terrorism and to fashion more rational means of eliminating it, as the report suggested (para. 64). National and international terrorism should be studied in the context of the law and, whether in Latin America or elsewhere, terrorism should not be combated by terrorism or the use of force since that merely promoted further terrorism.

3. Mr. KARTASHKIN noted that, in paragraph 63 of her report, Ms. Koufa discussed the novel question of whether a State could be at war with a terrorist group or a multinational criminal organization. He believed that the answer was contained in article 1, paragraph 1, of Additional Protocol II to the Geneva Conventions in that groups waging war against Governments had to have specific characteristics, i.e., they were organized armed groups under responsible command. Such groups had to observe the Geneva Conventions and Additional Protocol II and, under no circumstances, were they to endanger the civilian population.

4. It was important to examine the causes of terrorism, but that meant the deeper, underlying causes, not the superficial ones offered by the terrorist groups themselves. Despite the high quality of the report, he would have liked to see more conclusions and recommendations. For example, there were proposals for a universal convention on international terrorism which needed to be examined. The Sub-Commission could help to promote such a convention by adopting those provisions or proposals which would assist it to begin drafting such an instrument at its next session.

5. Ms. MOTOC said that Ms. Koufa's second progress report adopted a balanced approach to a difficult subject. If possible, Ms. Koufa should be allowed to make a further progress report because it could contribute significantly to the debate on terrorism, in view of the fact that her first progress report, which had revealed the complexity of the subject, had been used by many academics and non-governmental organizations (NGOs).

6. Mr. DECAUX said that, in seeking the causes of terrorism, there was a danger of finding oneself in a vicious circle. For example, when citing poverty as a cause, it was easy to forget the types of terrorism seen in developed societies in the 1970s which had not been in any way associated with poverty. Another trap was seeking a specific definition of terrorism. It was all too easy to brand everything with which one did not agree as "terrorism". Similarly, it was easy to invoke false analogies in the name of resistance to oppression. Terrorism was defined by acts which were attacks on human rights and the right to life.

7. There was also a need to be vigilant in ensuring that anti-terrorism measures respected human rights. States of emergency were usually discussed by the Sub-Commission every two years but, given the urgency of the situation, there was currently a need to re-examine the issue annually in parallel with the studies on terrorism and human rights.

8. Mr. SORABJEE said that, although terrorism could be justified in exceptional circumstances such as fighting against ruthless foreign domination, it was clear that the killing of innocent civilians was unacceptable and could not be qualified as freedom fighting. Similarly, concern for innocent civilians should also be a priority when anti-terrorist measures were under consideration. The war against terrorism had to be a war to protect the principles of democracy, otherwise it was a contradiction in terms and would simply aid terrorism. The real problem, therefore, was the delicate task of striking a balance and ensuring that the promotion and protection of human rights remained at the centre of the fight against terrorism.

9. Mr. GUISSÉ said that, if no effort was made to understand the causes of terrorism, it would never be possible to understand the underlying source of such crimes. By identifying the cause and combating the problem at its very roots, it might be possible to avoid serious acts of terrorism such as those seen in recent times. Placing freedom fighting in the same category as terrorism was wrong - there was a need to define acts of terrorism and acts of liberation. When a people were being repressed, resistance was not terrorism but an act of liberation and there were currently peoples in the world still fighting for their dignity and freedom.

10. Mr. SATTAR said he wished to express his appreciation to Ms. Hampson for her intervention at the previous meeting following an improper and personal attack by the observer for India. Terrorism was a scourge which the international community had to condemn and combat, but it must not be allowed to deflect the international community from the promotion and protection of human rights. He strongly endorsed Mrs. Warzazi's point that identifying terrorism with religion, race or region was a violation of the fundamental principle of human fraternity. He also endorsed the need for an inquiry into the root causes of terrorism, a phenomenon that had to be eliminated.

11. Ms. ZERROUGUI said that terrorism was a subject of extreme complexity. To illustrate how quickly events had developed, she recalled that, when Ms. Koufa had presented her

previous progress report, she herself had underlined the legal void and lack of political will which enabled terrorists to claim responsibility for their crimes or benefit from impunity for acts committed on the territory of another State and had asked Ms. Koufa to investigate the matter further. The situation had since changed, however, to the extent that it was no longer possible to invoke extraterritoriality in cases of terrorism, and even the sacrosanct concept of banking secrecy had been largely eliminated. She recommended that a further interim report be produced and hoped that, in the future, Ms. Koufa would enjoy much more support for her work.

12. Mr. EIDE, replying to Mr. Guissé, insisted that there must be a distinction between ends and means. Wars of liberation were covered by Additional Protocol I to the Geneva Conventions which clearly stated that acts of terrorism were prohibited, whether they were a consequence of wars of liberation or any other wars. Armed action for national liberation was permissible, but it was not permissible to resort to acts of terrorism in such a war. It was therefore necessary to distinguish between ends and means and, in the current situation, the emphasis was on means.

13. Ms. HAMPSON said that both individuals and States were entitled to act in self-defence but were not free to engage in acts which terrorized the civilian population. In international conflicts, they could attack military objectives but, in internal conflicts, international law prohibited terrorist attacks. States needed to be reminded of their obligation to enforce domestic and international criminal law. The State within which a terrorist attack occurred had the obligation to seek out and try its perpetrators. Other States were free to execute criminal jurisdiction and, in the future, the International Criminal Court would, in certain circumstances, have jurisdiction.

14. Mr. UNLER (Observer for Turkey) said that the attacks on 11 September 2001 had marked the beginning of a new era, even if some States, including Turkey, had previously been subjected to terrorist acts. At a time when international terrorism was exploiting the many gaps in the legal system, serious attacks on human rights by non-State actors were causing growing international concern. It was important to highlight the responsibility of non-State actors who escaped the control mechanisms of international law and human rights.

15. To prevent that phenomenon, it was essential to eliminate the support which terrorist networks enjoyed and to deprive them of funding. Every State had a responsibility to refuse to shelter terrorists and it was important that terrorist crimes should not go unpunished. Countries had to cooperate fully at the judicial level so that criminals could be held responsible for their acts.

16. His delegation had been disappointed that Ms. Koufa had not studied the responsibility of non-State actors in her second progress report. In addition, the expression "sub-State terrorism", used in both her reports, was an ambiguous one and it would be preferable to use the expression "non-State actors" which was already part of the terminology of international law.

17. Mr. GUISSÉ said that countries which had been colonized in the past had not been easily liberated; the colonizers had used all possible means to keep them in a state of dependence. The acts of liberation which were currently being redefined as terrorism could be committed again in

the future by peoples which had still not gained their independence. If people had been massacred and were defending themselves, their actions could not be seen as terrorism. The report should specify that such acts were acts not of terrorism but of liberation.

18. Mr. BENGOA said that the current issue required further discussion in the Sub-Commission.

19. Mr. MARTÍNEZ (Observer for Mexico) said that he appreciated the discussion of an issue of such importance to the entire international community and wished to emphasize his Government's interest in promoting human rights and in measures to combat terrorism within the limits of international law.

20. Mr. IQBAL KHAN (Observer for Pakistan) said that, following the events of 11 September 2001, the challenge taken up by Ms. Koufa had become an even more formidable one. His delegation believed firmly in the right to self-defence, especially against an occupying Power, or in situations of domination where human rights were systematically violated. A clear distinction had to be made between terrorists and peoples who were forced to fight back against State terrorism in their freedom struggle. Moreover, it was important to address the root causes that compelled nations to take up arms in their fight for the right to self-determination. While there could be no justification for violent or criminal acts, efforts to combat terrorism must not be used as a pretext for further human rights violations.

21. A study should be undertaken on the root causes of terrorism as a useful step towards defining it. In that context, the Sub-Commission should seek firm commitments from Governments that Ms. Koufa would be allowed to visit the areas she considered to be "hot spots" (para. 59). The time had come for an objective assessment of the causes, not the symptoms, of terrorism.

22. Mr. PARY (Indian Movement "Tupaj Amaru") said that movements of national liberation had existed ever since the establishment of States, and could not be arbitrarily described as terrorism. The causes of violent acts had to be put into a proper perspective. The second progress report had failed to address State terrorism such as, for example, its prolonged use against the indigenous peoples of Latin America. The fight against terrorism should be led by the United Nations, and should not be used as a pretext for a single State to act as the world's policeman.

23. Ms. KOUFA said that all the comments made concerning her report would be taken into account when she undertook further studies. In view of the vast range of complex issues at stake, she thought it would be advisable to draw up a list of recommended areas for further study and ask for the Sub-Commission's views thereon. In future, terrorism should be discussed under agenda item 3 on the administration of justice, rule of law and democracy.

24. Mrs. WARZAZI, introducing her sixth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2002/32), commended the Governments and organizations that had responded positively to her requests for

information and assistance. Their support was essential in increasing awareness of the harmful consequences of certain traditional practices. She welcomed the steps taken by the treaty bodies to introduce systematic questions on traditional practices into their examination of the reports of the States parties.

25. A seminar had recently been organized in Khartoum by a government minister of the Sudan, at which a number of recommendations had been made which ran counter to the policies adopted by the Sudan with a view to eliminating harmful traditional practices. In that connection, she reminded States of their responsibility to uphold established human rights standards, which were not subject to arbitrary revision. Nevertheless, she welcomed the prompt response by the Government of the Sudan, which had written to her to deny any connection with the views expressed at the seminar.

26. A recent meeting of national associations and NGOs, organized by the Inter-African Committee, had provided a useful forum to share experiences relating to the elimination of female genital mutilation. Warnings had been issued regarding the political exploitation of such practices with a view to fuelling prejudice and racism. Despite progress in eliminating some harmful practices, efforts to combat others - such as honour killings and forced marriages - needed to be stepped up considerably. In that regard, she welcomed the indication given recently by the Government of Pakistan that it was reviewing its legislation on the social and legal status of women. It had also been encouraging to hear from the Government of Senegal that, in future, honour killings there would be treated as cases of premeditated murder. Stringent measures must be taken to enforce such changes to the law.

27. She drew attention to the need for more support from NGOs in the Asian region to combat the ill-treatment of women there. While African States appeared to be making substantial progress in eliminating harmful traditional practices, there was a need for greater urgency on the part of policy makers in Asia. The steps taken in Africa had demonstrated that taboos were no longer unbreakable.

28. The role of the media could be crucial in drawing attention to violations of the basic rights of women and the girl child. For example, the case of a forced marriage involving a Senegalese girl who had died, at the age of just 12 years, on the morning after her wedding night, had been brought to her attention through a newspaper article. The media could also be used as a tool of exploitation, however, as instanced by the case of an Italian company that was successfully selling chastity belts as cult objects over the Internet.

29. Mr. RAHMATALLAH (Observer for Sudan) reiterated that his Government had not been associated with the findings of the independent seminar in Khartoum, and that it supported all efforts to combat female excision and similar harmful practices, which had no basis in Islam.

30. Ms. EL FADIL (Observer for Sudan) said that she represented the General Union of Sudanese Women which, with a membership of over 3 million, was the largest women's association in the country. It was determined to eradicate harmful traditional practices, especially female genital mutilation, by gathering and disseminating information, convening seminars and conferences, developing policy proposals and engaging in public advocacy. Nevertheless, it was very difficult to change the ancient traditions of local communities.

31. Mr. GUISSÉ said that those responsible for organizing the forced marriage of a young girl in Senegal had been swiftly punished by the courts. Moreover, Senegalese public opinion had been outraged by the incident. He encouraged Mrs. Warzazi to pursue her pedagogical approach, since attitudes still needed to be changed at the grass-roots level.

32. Mr. SATTAR said that the international community could help the developing world to overcome the harmful legacies of the past by stressing the need to respect human rights standards. He recommended affirmative action such as the introduction of quotas to improve the representation of women in parliament, since political empowerment was the key to developing fundamental rights. He urged Mrs. Warzazi to identify a series of measures for adoption by States with a view to accelerating the process of female empowerment.

33. Mr. SORABJEE said he entirely agreed with the conclusion in the report (para. 50) that actions should be directed towards strengthening the status of women from a very early age. Efforts should focus on education, so as to bring about a change in mentalities. Women must no longer be brainwashed from an early age into accepting positions of inferiority. In India, the Constitution had been amended, making it a fundamental duty to report practices harmful to women. He urged Mrs. Warzazi to develop a set of measures of that nature to be adopted by Governments.

34. Mrs. WARZAZI said that a Programme of Action had been adopted several years previously, containing practical recommendations for Governments including, for example, the enhancement of access to education and public life. She regularly requested information from Governments concerning their implementation of that Programme.

35. Introducing, as Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, the Working Group's report on its twenty-seventh session (E/CN.4/Sub.2/2002/33), she said that a significant aspect of the session had been the participation of a large number of NGOs reporting on a wide range of countries and situations, and she thanked them for their contribution to the debate. On the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude, many NGOs had described the sad situation of children throughout the world, in both the North and South, and the Working Group had come to understand how it was possible for such situations to arise out of poverty and discrimination, compounded by trafficking and deception.

36. The Working Group had again been moved by the accounts of girls from African countries, who were enticed, pressurized or threatened before being transported to Europe in appalling conditions, which in some cases led to deaths. Those who survived lacked documentation, resources and any right of redress in either the country of destination or their country of origin. The Working Group had requested government representatives to ask their Governments to intervene and had made strong recommendations concerning cooperation at the national, regional and international levels with a view to identifying and punishing the criminals and dismantling the trafficking networks.

37. Equally moving had been the situation of girls in domestic labour. The Working Group had noted a number of common points in all cases: their invisibility, their sex, the arbitrariness of their work and treatment, the lack of recourse in cases of abuse and the lack of prospects for the future (para. 28).

38. Lastly, she welcomed the recent announcement by the Government of the United Arab Emirates that it was prohibiting the use of boys aged under 15 as camel jockeys as from September 2002, thereby demonstrating that the Working Group's recommendations could influence government policy.

39. Ms. FREY, introducing her working paper on the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms (E/CN.4/Sub.2/2002/39), said she had had a broad mandate to make an initial analysis of the implications of the proliferation, availability and misuse of the arms in question. She had adopted the definitions used by the United Nations Panel of Governmental Experts on Small Arms: "small arms" thus referred to weapons designed for use by one person while "light weapons" were weapons designed for use by several persons serving as a crew.

40. The second part of the working paper gave an overview of the types of human rights and humanitarian violations carried out with such arms, which had become the weapons of choice in many armed conflicts. They were frequently deliberately used against civilians and non-combatants, in blatant violation of international humanitarian law: between 34 and 60 per cent of war injuries were to civilians and caused by firearms. The easy availability of small arms was considered by some experts to be a "proximate cause" of conflict or, at the very least, to exacerbate conflict by increasing the deadliness and duration of the violence.

41. The militarization of refugee camps, where assaults on humanitarian and United Nations personnel were increasingly common, had become a grave problem. Human rights violations were perpetrated by State law-enforcement and military personnel and by non-State actors such as opposition groups and terrorist and criminal networks. Significantly, the use of small arms and light weapons was increasingly taken for granted - to the extent that persons documenting human rights violations rarely even noted the tools used by the perpetrators.

42. With regard to the regulation of the transfer and misuse of small arms, most measures to date had taken the form of non-binding political agreements, none of which adequately addressed the human rights dimensions of the problem. She had made an initial survey of existing human rights and humanitarian norms relevant to the availability and misuse of such weapons (chap. V and annex), and had identified two emerging norms that would need further analysis: one requiring States to exercise due diligence by taking effective measures to prevent and prosecute violations using small arms, the second requiring States to take effective measures to prevent the transfer of small arms to human rights abusers. She had also made a number of recommendations for approaches to be adopted within United Nations human rights bodies.

43. Ms. ZERROUGUI said she hoped Ms. Frey would be asked to continue her work on the question of small arms and light weapons. It was particularly gratifying that the working paper addressed the difficult issue of non-State actors' involvement in human rights violations with small arms, which was acquiring greater significance as international law moved away from a

purely inter-State approach to an approach incorporating the idea of individual criminal liability and the responsibility of non-State actors for violations of human rights and humanitarian law. Future work should explore the scope of that responsibility in order to eliminate grey areas that could be exploited by perpetrators, enabling them to act with impunity.

44. While it was true that there was no international human rights mechanism covering non-State actors, concern was growing within the international community: Commission on Human Rights special rapporteurs had already considered the question of the use of mercenaries and were beginning to look into human rights violations attributed to other non-State actors; and the Sub-Commission had established a working group with a mandate to consider, inter alia, human rights violations that might be attributable to transnational corporations.

45. For some people, any reference to non-State actors' liability under international law amounted to heresy. The area of liability was, however, exactly where the most rapid changes in the framework of international law were taking place. In its deliberations on State responsibility, the International Law Commission was considering the concept of international liability for injurious consequences arising out of acts not prohibited by international law, which basically concerned non-State actors. Another example of such liability was the principle of "the polluter pays", which was accepted in international law.

46. Attribution of liability to non-State actors should in no way minimize States' responsibility for human rights violations occurring within their jurisdiction, particularly those committed by their agents using small arms and light weapons, and she hoped Ms. Frey would continue her research in that area.

47. Mr. PREWARE, noting the definitions used by Ms. Frey, said he welcomed the fact that the working paper addressed the realities on the ground, for the sheer number of people using small arms and light weapons belied the intent of those definitions. Even more worrying than the statistics of the dead and injured was the implication of the extent to which the right to life and development were undermined by the manufacture, availability and misuse of such weapons.

48. Arms production enriched State treasuries, national economies, distributors and traffickers. While manufacturing States and corporations could not be directly blamed for the use to which such weapons were put, it was increasingly recognized that weapons designed for sport, self-defence or law enforcement were also acquired by those whose activities undermined the full enjoyment of human rights. Any study of the problem should address not only humanitarian considerations and root causes, but also the question of supply, taking account of all who had access to such arms, including State and non-State actors, in times of peace or in times of conflict.

49. Sadly, the prospects of success were likely to be limited given the proliferation of small arms and of internal conflicts in developing countries following the end of the cold war. Arms-producing countries appeared to be more interested in national economies than human rights standards and, even where end-user control regimes existed, their raison d'être was often political rather than humanitarian and they were easily circumvented.

50. Mr. YOKOTA said he was pleased that the working paper included landmines, but he would have welcomed further elaboration, given the many adverse human rights implications of such devices. Referring to the recommendations (para. 78), he suggested that the Human Rights Committee might draft general comments not only on article 6 of the International Covenant on Civil and Political Rights, but also on articles 7, 8 and 9, which were equally relevant.

51. Ms. HAMPSON said she agreed that the transfer of arms was a major difficulty, and not just transfers between States or corporations - it was even possible for two individuals in one State to reach an agreement that would cause weapons to move between two other States. What was needed was greater emphasis on States' obligation to require compliance with the rules, failing which they themselves should be held responsible, regardless of who had committed the offence.

52. It was important not to adopt a system that would cause transfers to go underground and to find a means of regulating transfers that people would wish to comply with in order to avoid liability.

53. Ms. O'CONNOR said she associated herself with the comments of Mr. Preware and Ms. Hampson. She welcomed Ms. Frey's description of her working paper as a preliminary report, because more work needed to be done on the issue. A distinction needed to be made, for example, between States' use of small arms for State activities and their use for criminal activities. Further analysis was also needed of the major role played by the cocaine trade in proliferation, particularly in the Caribbean. The supply issue was very important: as fast as new weapons were made, buyers were found for old ones, particularly in the drug trade. The connections between the availability of guns, increases in abuses and the domestic situation within a given State also needed further analysis.

54. Mr. Yokota, Vice-Chairperson, took the Chair.

55. Mr. GUISSÉ said that, at some point, the study must address the question of responsibility for the circulation of small arms: those ultimately responsible were not the developing countries in which small arms circulated, but the States in which the arms manufacturers were based.

56. Ms. FREY said she agreed with Mr. Preware on the need to focus on realities on the ground. Everyone who lived in a country where guns were easily accessible was aware of how their availability affected their personal lives. She thanked Ms. Zerrougui for drawing her attention to some important sources of international analysis and agreed with Ms. Hampson and others that there was a need to look more closely at the issue of the transfer of small arms, including transborder transfers. She thanked the other speakers for bringing up subjects of importance and said she would take their comments into account in her future work.

57. Ms. HAMPSON, introducing her working paper on reservations to human rights treaties (E/CN.4/Sub.2/2002/34), said that she had produced it against a background of the reluctance of the Commission on Human Rights to endorse the Sub-Commission's request for a study on reservations to human rights treaties, on the grounds that it would be duplicating the work of the International Law Commission. In fact, the International Law Commission was studying

reservations to treaties in general, whereas the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women had specifically requested the Sub-Commission to study reservations to human rights treaties.

58. The bulk of her working paper thus consisted of a chart listing the reservations or interpretative declarations made by States in respect of the six United Nations human rights treaties, indicating whether the reservations concerned normative or procedural provisions, whether any other States had objected to them and, if so, on what grounds. She understood that Mr. Pellet, the International Law Commission's Special Rapporteur on the topic concerning reservations to treaties, had been asked to contact others working on the same subject, and she hoped that, in the expanded working paper she would present to the Sub-Commission at its next session, she would be able to incorporate the outcome of discussions with the representatives of the International Law Commission and the treaty bodies.

59. Mr. ABDOU (Observer for the Sudan), speaking in exercise of the right of reply, said that the information concerning forced labour and slavery in the Sudan, mentioned in paragraph 42 of the Working Group's report (E/CN.4/Sub.2/2002/33), was groundless. It was not an issue of slavery but of abductions in conflicts over grazing land. His Government had adopted a number of measures to prevent the abductions, including a decree issued on the express instructions of the Head of State, and cooperated with concerned organizations such as the United Nations Children's Fund (UNICEF) in efforts to put an end to the practice and to assist the victims.

60. Mr. LEBLANC (Dominicans for Justice and Peace), speaking also on behalf of Caritas Internationalis, Pax Christi International and Franciscans International, said that the devastating effect of economic sanctions on the women and children of Iraq had been witnessed at first hand by members of the Dominican Order visiting the country or working in the education or health sectors there. The rights of Iraqi children, including the right to adequate food, had been systematically violated for 12 years as a result of the sanctions, as had been well documented by United Nations agencies. Moreover, the innocent children, the elderly, the chronically ill and others who died as a result of the sanctions did so not as a result of combat, but as a result of measures decreed by an organization whose mission was to protect their peace and security. The Iraqi people also had to contend with the environmental pollution caused by the large amounts of depleted uranium remaining in the battlefields after the Gulf war. Studies had shown that the increased incidence of congenital abnormalities and cancers in all age groups was directly related to exposure to depleted uranium.

61. He deplored the fact that the world's most powerful nations continued to regard war and the threat of war as an acceptable instrument of foreign policy, in violation of the ethos of both the United Nations and Christian moral teaching, and expressed great concern at the possibility of pre-emptive strikes against Iraq, which could cause cataclysmic harm to women and children and which would seriously compromise any hope of a just and lasting peace in the region. He urged the international community to resolve the humanitarian crisis affecting the most vulnerable people in Iraq through peaceful means and to abide by the rules of international humanitarian law.

62. Ms. MADJZOUB (International Federation of University Women), speaking also on behalf of the International Council of Women, Zonta International and the International Council of Jewish Women, said that unless women participated in decision-making in all spheres of life and at all levels of society, poverty could not be eradicated, societies could not be fully democratic, economic policies that promoted social and economic justice could not be formulated and world peace and security could not be achieved.

63. With regard to poverty, as a direct consequence of discrimination against women, households headed by women tended to belong to the poorest segments of societies and children from those households received little or no education, creating a vicious circle of poverty and exclusion. Neglect of women's access to lifelong education not only deprived them of income but also reduced the skill level of a nation's human resources.

64. As for the participation of women in shaping their society's future, it could be regarded as an indicator of the level of democracy in a country. In that respect, the participation of women in the democracy movements in Latin America had shown a new awareness of the need to fight for women's rights at the same time as fighting for democracy; women were no longer simply calling for political parties to take up women's issues, but for a transformation of society.

65. With regard to economic policy-making, if the aim was human-centred development and social justice, there was a need to promote some of the qualities traditionally perceived as "feminine", such as caring or nurturing. Such "feminine energy" could give a human face to the legal tenets of human rights.

66. As for world peace, women had been in the forefront of peace movements since the early nineteenth century and there was no denying that contemporary women's peace movements had made a significant impact on public opinion. However, there were limits to what they could achieve as long as they were prevented from being active participants in the governmental and intergovernmental bodies that made the decisions on military spending and policy.

67. Ms. AULA (Franciscans International), speaking also on behalf of Caritas Internationalis and Dominicans for Justice and Peace, said that slavery, in all its forms, including human trafficking, was a crime against humanity and any acquiescence by a State in such practices was a grave violation of basic human rights. She agreed with the Secretary-General of the United Nations that trafficking in persons was fuelled by poverty, unemployment, the destruction of traditional livelihoods and economic disparities among countries and between women and men. The support for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was encouraging but the Protocol's clear definition of trafficking, together with its articles 6, 7 and 8, should be incorporated into countries' domestic legislation.

68. The Working Group on Contemporary Forms of Slavery should encourage States to recognize the existence of human trafficking and collect reliable data thereon. It should also help States to adopt domestic legislation aimed at penalizing the traffickers, protecting their victims and offering safe return to the country of origin or the possibility of staying in the country to which they had been taken. The Sub-Commission should call on States to adopt a human rights approach to dealing with the problem, criminalize trafficking in human beings in all its forms,

provide protection and assistance to the victims of trafficking without requiring them to cooperate in the prosecution of the traffickers, take steps to discourage the demand that fostered all forms of exploitation of persons and allocate resources to programmes designed to reintegrate victims into society.

69. Mr. SISSON (International Fellowship of Reconciliation), speaking also on behalf of the Japan Fellowship of Reconciliation, welcomed the report of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2002/28), which described the progress made towards the establishment of international norms whereby violence against women during armed conflict could be defined and prosecuted as a war crime and crime against humanity. Nevertheless, impunity for the perpetrators of acts of sexual violence during armed conflicts continued to be an obstacle to the protection of women's human rights, as exemplified by the de facto impunity in the case of the sexual slavery practised by the Japanese army during the Second World War.

70. Although the Japanese Government's moral and legal responsibility in the matter had been established by the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal conflict, the Japanese Government had neglected its obligation to investigate and punish those responsible for such human rights violations on a massive scale, claiming that bilateral treaties prevented it from providing compensation to the victims.

71. Encouragingly, that situation of de facto impunity had begun to be challenged by civil and political groups within Japan itself. An international tribunal of NGOs, meeting in Tokyo in December 2000, had decided that Emperor Hirohito himself was criminally responsible for the system of so-called "comfort women" established by the Government and military in his name. Of course, that tribunal had had no legal power but three opposition parties had introduced a bill in parliament to provide State compensation for the women survivors and that demonstrated that the Japanese Government could indeed fulfil its international legal obligations if the political will to do so existed.

72. Mr. LITTMAN (Association for World Education) first reiterated the appeal contained in his organization's written statement (E/CN.4/Sub.2/2002/NGO/24) that the term "suicide bomber" be replaced by the more precise expression "jihad bomber". He then drew attention to the jihad declared by the Government of the Sudan against its own people in a 20-year civil war that had claimed the lives of over 2 million people and displaced millions more. A former Prime Minister of the country had even claimed that the traditional concept of jihad allowed slavery as a "by-product".

73. Indeed, slavery and slavery-like practices had been fully documented by successive special rapporteurs from United Nations bodies, by the media and by NGOs for over a decade and yet the enslavement - sometimes euphemistically called the "abduction" - of women and children continued unabated in southern Sudan. International observers confirmed that the Sudanese Government had done little to control the militiamen who practised slavery. The

Government rejected all claims that it was doing nothing to combat the practice and yet, only a few months previously, dozens of black African women and children had been abducted for a second time from a centre set up by the Government precisely to house released slaves.

74. He therefore urged the Sub-Commission to call on those responsible to end the raids carried out by the Popular Defence Forces (which should be disarmed) and to bring to justice those responsible for the slavery-like practices practised ruthlessly against African Christians and animists in southern Sudan.

ORGANIZATION OF WORK (agenda item 1) (continued)

75. Mr. BENGOA said that, given the long list of NGOs and others waiting to speak on the various agenda items, the Sub-Commission should not spend the whole of the next morning in closed session discussing draft resolutions and decisions, and then the whole of the afternoon taking action on them.

76. Mr. ALFONSO MARTÍNEZ said he shared Mr. Bengoa's concerns. He suggested that the Sub-Commission could try to shorten the time spent in closed session and move on to the voting during the morning meeting.

77. Mr. PREWARE pointed out that the Sub-Commission would be hard-pressed to discuss the 40 draft resolutions before it in a three-hour closed session.

78. The CHAIRPERSON said he understood the concerns that had been expressed but the matter had been considered carefully by the Bureau and he was not in a position to overrule its decision.

The meeting rose at 6.10 p.m.